

request a one month extension of time up through February 28, 2003. Please consider the following Amendments and Remarks:

### IN THE CLAIMS

Please amend Claims 1, 13, 16, 19, 28 and 34 to read as follows:

1. (Twice Amended) An isolated nucleic acid comprising a nucleic acid sequence encoding a thanatin peptide which comprises the amino acid sequence of Formula I:

(I) Xaa-Ile-Ile-Tyr-Cys-Asn-Arg-Arg-Thr-Gly-Lys-Cys-Xaa (SEQ ID NO:14)

D1  
in which

Xaa at position 1 represents NH<sub>2</sub> or a variable number of 1-10 amino acid residues, and

Xaa at position 13 represents OH or a variable number of 0-5 amino acid residues.

13. (Twice Amended) A chimeric gene comprising a coding sequence operably linked to at least one heterologous regulatory element, wherein said coding sequence comprises a nucleic acid sequence encoding a thanatin peptide which comprises the amino acid sequence of Formula I:

D2  
(I) Xaa-Ile-Ile-Tyr-Cys-Asn-Arg-Arg-Thr-Gly-Lys-Cys-Xaa (SEQ ID NO:14)

in which

Xaa at position 1 represents NH<sub>2</sub> or a variable number of 1-10 amino acid residues, and

D2  
cont.

Xaa at position 13 represents OH or a variable number of 0-5 amino acid residues.

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16. (Twice Amended) An expression vector comprising at least one replication origin and a chimeric gene which comprises a coding sequence operably linked to at least one heterologous regulatory element, wherein said coding sequence comprises a nucleic acid sequence encoding a thanatin peptide which comprises the amino acid sequence of Formula I:

D3

(I) Xaa-Ile-Ile-Tyr-Cys-Asn-Arg-Arg-Thr-Gly-Lys-Cys-Xaa (SEQ ID NO:14)

in which

Xaa at position 1 represents NH<sub>2</sub> or a variable number of 1-10 amino acid residues, and

Xaa at position 13 represents OH or a variable number of 0-5 amino acid residues.

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19. (Twice Amended) A transformed host cell comprising a chimeric gene which comprises a coding sequence operably linked to at least one heterologous regulatory element, wherein said coding sequence comprises a nucleic acid sequence encoding a thanatin peptide which comprises the amino acid sequence of Formula I:

D4

(I) Xaa-Ile-Ile-Tyr-Cys-Asn-Arg-Arg-Thr-Gly-Lys-Cys-Xaa (SEQ ID NO:14)

in which

Xaa at position 1 represents NH<sub>2</sub> or a variable number of 1-10 amino acid residues, and

D4  
Carr

Xaa at position 13 represents OH or a variable number of 0-5 amino acid residues.

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28. (Twice Amended) A method of transforming a cell of a host organism comprising contacting the cell of the host organism with a chimeric gene which comprises a coding sequence operably linked to at least one heterologous regulatory element, wherein said coding sequence comprises a nucleic acid sequence encoding a thanatin peptide which comprises the amino acid sequence of Formula I:

D5

(I) Xaa-Ile-Ile-Tyr-Cys-Asn-Arg-Arg-Thr-Gly-Lys-Cys-Xaa (SEQ ID NO:14)

in which

Xaa at position 1 represents NH<sub>2</sub> or a variable number of 1-10 amino acid residues, and

Xaa at position 13 represents OH or a variable number of 0-5 amino acid residues

under conditions that permit said cell to take up said chimeric gene.

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34. (Amended) A method of generating a transformed progeny plant comprising:

D6

crossing a plant having at least one gametophyte comprising a chimeric gene  
which comprises a coding sequence operably linked to at least one  
heterologous regulatory element, wherein said coding sequence comprises  
a nucleic acid sequence encoding the amino acid sequence of Formula I:

(I) Xaa-Ile-Ile-Tyr-Cys-Asn-Arg-Arg-Thr-Gly-Lys-Cys-Xaa (SEQ ID NO:14)

in which

Xaa at position 1 represents NH<sub>2</sub> or a variable number of 1-10 amino acid  
residues, and

Xaa at position 13 represents OH or a variable number of 0-5 amino acid  
residues; and

cultivating the plant under conditions that permit formation of at least one seed;  
and

cultivating the seed under conditions that permit the seed to grow into a progeny  
plant,

wherein the progeny plant retains the nucleic acid.

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**REMARKS**